

SECONDHAND DEALERS AND JUNK DEALERS (EXCERPT)
Act 350 of 1917

***** 445.401.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 1, 2009 *****

445.401.amended Second hand or junk dealer; license required; internet drop-off store exempt from licensure; articles of nonferrous metals; compliance required.

Sec. 1. (1) A person, corporation, copartnership, or firm shall not carry on the business of dealer in second hand goods or junk dealer in any of the counties, cities, or villages of this state without having first obtained, from the mayor of the city or the chief executive officer of the county or village where the business is to be carried on, a license under this act authorizing that person, corporation, copartnership, or firm to carry on that business.

(2) This section does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a second hand dealer or junk dealer under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local law enforcement agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local law enforcement agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local law enforcement agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local law enforcement agency determines that the personal property or other valuable thing is stolen.

(4) This section does not exempt a person purchasing or selling articles of nonferrous metals from compliance with the nonferrous metal regulatory act.

History: 1917, Act 350, Imd. Eff. May 10, 1917;—CL 1929, 9758;—Am. 1931, Act 127, Imd. Eff. May 19, 1931;—CL 1948, 445.401;—Am. 2006, Act 294, Imd. Eff. July 20, 2006;—Am. 2006, Act 675, Eff. Mar. 30, 2007;—Am. 2008, Act 432, Eff. Apr. 1, 2009